

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Board of Education of the
Toledo City School District,

Case No. 3:07CV3631

Plaintiff

ORDER

v.

Joanne E. Horen, et al.,

Defendants

These cases arise out of state administrative proceedings relating to the education of a child with disabilities. Pending are various motions.

1. Defendant Horens' Motion for Leave to File an Amended Pleading/Answer [Doc. 27].

Movants seek leave to file an amended answer. They do not indicate what that answer might say that differs from their earlier answer.

Pursuant to prior order, discovery is, or should shortly be complete, and summary judgment practice is underway. Absent some indication of what purpose would be served by, or what need exists for filing an amended answer, I decline to grant leave to do so at this advanced stage of this case.

2. Plaintiff Horens' Motion to Un-Consolidate [Doc. 28].

Movants seek to have the case involving their appeal of the administrative decision, which they first filed in the Lucas County, Ohio, Court of Common Pleas, and which the School Board removed and I then consolidated with the Board's appeal, filed in this court, "unconsolidated" and remanded to state court.

There is nothing to unconsolidate: I have dismissed the Horens' appeal as not properly filed. This moots the reasons why they want to go back to the Common Pleas Court (namely, for a trial on the merits). Their appeal having been dismissed, no hearing here or there can be held.

3. Board of Education's Motion for Extension of Time. [Doc. 29].

The Board asked for ten additional days in which to file its motion for summary judgment. I was unaware of that request until the additional time had passed. The Board has filed its motion, albeit after helping itself to the additional time that it wanted. I see no harm or prejudice to the Horens if I don't allow the filing to stand.

It is, therefore,

ORDERED THAT:

1. Horens' Motion. for Leave to Amended [Doc. 27] be, and the same hereby is denied;
2. Horens' Motion to Unconsolidate [Doc. 28] be, and the same hereby is denied; and
3. Board's Motion for Extension of Time [Doc. 29] be, and the same hereby is granted.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge